IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 4653 of 2007(D)

PETITIONER:

K.B. JAYAKUMAR,
BLOOD BANK TECHNICIAN, MEDICAL COLLEGE HOSPITAL,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.K.SURESH KUMAR
SMT.PRIYA VIJAYAN

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HEALTH
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

3. SAJU N.ETTEERA,
BLOOD BANK TECHNICIAN, MEDICAL COLLEGE HOSPITAL,
KOTTAYAM.

R1 & 2 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 4653 OF 2007

Dated this the 12th February, 2007.

JUDGMENT

The petitioner is an aspirant for promotion to the post of Scientific Assistant from the category of Blood Bank Technician. He apprehends that the third respondent is likely to be considered for promotion to the post of Scientific Assistant though, according to the petitioner, the said respondent is not eligible to be considered against the existing vacancy as he had availed leave for a period of fifteen years and has forfeited his seniority. Ext.P3 representation filed by the petitioner is pending with the second respondent.

2. Counsel submits that the grievance highlighted by the petitioner will have to be considered by the second respondent before orders are passed regarding the claim of the third respondent for promotion to the post of Scientific Assistant.

3. Heard Govt. Pleader also.

4. In the circumstances there shall be an order directing the second respondent to consider Ext.P3, take appropriate decision and communicate the same to the petitioner and the third respondent. This shall be done after notice to the petitioner and the third respondent.

Decision on Ext.P3 shall be taken within two months from the date of receipt of a copy of the judgment. Writ petition is disposed of with the above direction.

K.K.DENESAN
Judge

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